

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No.: 2:17-cr-324  
 )  
RYAN KEITH TAYLOR, )  
 )  
Defendant. )  
\_\_\_\_\_ )

TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE JAY C. ZAINY  
UNITED STATES DISTRICT JUDGE

Monday, September 24, 2018; 9:56 a.m.  
LAFAYETTE, LOUISIANA

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1 MR. BLANCHARD: Okay.

2 THE COURT: Mr. Taylor, on June the 11th, 2018, you  
3 entered a plea of guilty to Count 1 of the Indictment  
4 charging you with use of a chemical weapon, in violation of  
5 Title 18 § 229(a)(1) and 2929A(a)(1).

6 Is that correct, counsel?

7 MR. BLANCHARD: Yes, Your Honor.

8 THE COURT: The Court hereby accepts and adjudges  
9 that offense.

10 Mr. Taylor, sir, we've now reached a stage in the  
11 proceedings where it's my duty to address several questions  
12 to you, to your lawyer, and also to the lawyer for the  
13 government.

14 Sir, have you had the opportunity to review the  
15 presentence report with your lawyer?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Do you have any objections as to the  
18 facts that are contained in the presentence report?

19 THE DEFENDANT: I do not, Your Honor.

20 THE COURT: Okay. And, counsel, do you have any  
21 objections as to the probation officer's calculation of the  
22 guidelines?

23 MR. BLANCHARD: No, Your Honor.

24 THE COURT: Okay. I understand the government does  
25 have objections. Is that correct?

1 MR. MCCOY: That's correct, Your Honor. Dan McCoy,  
2 on behalf of United States.

3 As previously filed within the record, we did have  
4 an objection as to the admission of a two-level enhancement  
5 under 2M6.1(b)(1). The government's arguments are clearly  
6 laid out in its -- in its letter to the Court and to  
7 Probation, and we would again stand by our argument.

8 THE COURT: I've read it.

9 Mr. Blanchard, what is your response?

10 MR. BLANCHARD: Well, Your Honor, my response is  
11 basically what I had responded to the Probation Office, to  
12 Ms. Myers. I think it simply does not apply. The language  
13 refers to whether or not the device was designed or intended  
14 to cause death or serious bodily injury. I think the facts  
15 of the case are clear that that's not what went on here, Your  
16 Honor.

17 Again, there was an extensive investigation into  
18 this matter. There was -- there were multiple electronic  
19 devices that were searched. There's no indication that he  
20 had any intent to harm anyone with this, Your Honor. It was  
21 set off in a rural -- a very rural area, and it was not in a  
22 place, say, a crowded theater or anything like that. It was  
23 somewhere where it was very unlikely that it was -- would  
24 have caused harm.

25 What happened, unfortunately, to the victims in

1 this matter is why it's illegal to do this. But it's clear  
2 that it was not intended or designed for that purpose, Your  
3 Honor.

4 THE COURT: All right. Thank you. I've reviewed  
5 it. I've reviewed the government's motion. I've reviewed  
6 your response, your argument, as well. I agree with the  
7 government. I feel that the government's objection was that  
8 the presentence investigation report omitted the two-level  
9 enhancement under the specific offense characteristics. I do  
10 find merit to the government's objections to the admission of  
11 a two-level enhancement under specific offense  
12 characteristics provided under United States Sentencing  
13 Guidelines § 2M6.1(b)(1).

14 Even though chlorine is not a toxic chemical, it's  
15 listed under Schedule 1 of the Annex on Chemicals to the  
16 Chemical Weapons Convention. It is a toxic chemical as  
17 defined in 18 United States Code 229F(8)(A), because it can,  
18 and I quote, "cause death, or temporary incapacitation or  
19 harm to humans or animals," quote.

20 Because the weapon used in this offense meets the  
21 definition of mass destruction, as defined in 28 U.S.C.  
22 2232(a)(c)(B), an additional 2 level offense characteristic  
23 is added to the calculations, making the total offense level  
24 of 31, increasing the advisory guideline range from 87 to  
25 108 months to 108 to 135 months.

1           Mr. Blanchard, I will note your objection for the  
2 record, sir.

3           MR. BLANCHARD: Thank you, Your Honor.

4           THE COURT: Any other objections by either party?

5           MR. MCCOY: None from the United States, sir.

6           MR. BLANCHARD: No, Your Honor.

7           THE COURT: Thank you.

8           The Court adopts the undisputed factual statements  
9 and guideline applications as contained in the presentence  
10 report as amended by this Court. And as to the controverted  
11 factual statements and guideline applications, I adopt the  
12 position of the probation officer as stated in the addendum,  
13 except for purposes of the calculation.

14           Therefore, the calculations are as follows: Total  
15 offense level is a 31, with a criminal history category of I.  
16 The guideline imprisonment range is from 108 to 135 months  
17 imprisonment. Supervised release term of up to five years.  
18 There has been a request for restitution in the amount of  
19 \$6919. The fine range is from \$30,000 to \$250,000, with a  
20 special assessment of \$100.

21           Mr. Blanchard, do you know of any reason why this  
22 Court should not now proceed with the imposition of sentence?

23           MR. BLANCHARD: No, Your Honor. We're ready to  
24 proceed.

25           THE COURT: All right, sir. Do you have any

1 witnesses? Or would your client like to make a statement?

2 MR. BLANCHARD: He would like to make a statement,  
3 Your Honor.

4 THE COURT: Yes, sir. Go ahead, please.

5 THE DEFENDANT: Your Honor, thank you for allowing  
6 me to address your court. And for the longest time, I was  
7 without words in this matter, but I'm going to try as hard as  
8 I can to bring light to what actually happened.

9 Basically, Your Honor, the morning that all of this  
10 started, I had just returned from Lake Charles at roughly  
11 5:00 a.m., and I was nearing a four-day holiday weekend, so I  
12 was irresponsibly stuck in party mode. And I decided after a  
13 few beers that morning to have a little fun out in the woods  
14 before work out at the free growth hang-out range.

15 But my time was unexpectedly interrupted because I  
16 thought I was alone out there. I saw Sergeant Murphy coming  
17 toward me, and immediately, I stopped. We had a  
18 conversation. And then shortly after that, I had left. And,  
19 honestly, I thought nothing of this, Your Honor. I did not  
20 at any point in time ever think that I had broken the law or  
21 anything even close to this could have possibly happened,  
22 Your Honor. This was never my intention.

23 And as far as for my two victims, Your Honor, these  
24 two affect me more than anything else ever has in my entire  
25 life, Your Honor. Even stuff I've had to deal with from



1 overseas, dealing with stuff that I've been working with  
2 counselors for the last year, those two got hurt because of  
3 me, Your Honor, and for that I have the absolute utmost  
4 remorse for this. At no point during this did I ever intend  
5 to have even caused anything similar to this.

6 And, Your Honor, I do realize that my actions were  
7 absolutely reckless, irresponsible, and could have caused a  
8 lot of harm to a lot more people, should there have been more  
9 people out there. But I don't wish to do anything even  
10 similar to what I've been accused of, and I don't have any  
11 desire to do anything similar any time near the future.

12 And the very fact that I did this way out in the  
13 woods where I believed I was alone, should exemplify my  
14 intentions in this stuff. I was not intending to hurt  
15 anybody. I was reckless, irresponsible, and doing  
16 technically legal things, Your Honor. And I've definitely  
17 learned a lot over these last 17 months.

18 I've already spent 17 months incarcerated, lost a  
19 very promising career where I was about to be a sergeant, and  
20 I've also lost all desire for any kind of reckless behavior  
21 and immature stuff that I previously exhibited. I've taken a  
22 lot of time to think, Your Honor. And this entire thing has  
23 changed me 100 percent, Your Honor.

24 I've done a lot of work to improve myself as a  
25 person. I've gained 40 classes. And most of all, I've

1 learned that I want nothing to do with any kind of criminal  
2 or incarcerated living. And during my 17 months of  
3 incarceration, I learned where I do not want to be, and that  
4 is most of all anybody who would ever do anything like this  
5 to harm somebody.

6 This has also helped me identify changes that I  
7 need to make in my own life, Your Honor, and it got me free  
8 of my alcohol addiction. It ed -- it educated me in both  
9 criminal and addictive thinking that I've now learned to  
10 address in myself.

11 As for the victims that were both permanently  
12 changed that day, I'm at a loss for words of how bad I feel  
13 for that, Your Honor. This entire thing started off what I  
14 completely blew off as irrelevant and just part of my average  
15 day, Your Honor. I never once thought that any of this could  
16 have happened.

17 The fact that I caused Mr. Farbro the severity of  
18 injuries, it bothers me more than anything I've ever seen in  
19 my entire life. And, Your Honor, I hope that you can see  
20 that I'm not a bad person that would ever intentionally do  
21 this to somebody. And most of all, I can't express how sorry  
22 I am to the victims, and I cannot wait to get past this phase  
23 of my life so I can start paying them back, Your Honor.

24 THE COURT: Why don't you turn say round and  
25 apologize to them. Are they here? Are they here in court?

1 Where are they? Could you stand, please?

2 THE DEFENDANT: Gentlemen, I know I caused a  
3 problem for you guys. I had no intention of ever doing this.  
4 And by the time that you guys got out there to investigate  
5 this stuff -- I've gone over the scenario in my head -- I  
6 thought everything that could have possibly gone wrong would  
7 have aired out, everything would have been done, and I  
8 continue just going on through my life.

9 But the fact that you two gentlemen were hurt, it  
10 honestly bothers me more than anything else ever has in my  
11 entire life. And I can't express how sorry I am for this.

12 As far as the civil suits, I'm not even going to  
13 try to fight that, gentlemen. I'm going to pay you what  
14 you're due because I changed your lives in ways that I never  
15 would have thought even possible. I'm really sorry.

16 THE COURT: All right. Thank you, Mr. Taylor.  
17 Anything further?

18 THE DEFENDANT: Nothing further, Your Honor.

19 THE COURT: All right. Thank you.

20 Mr. McCoy, do you have any witnesses?

21 MR. MCCOY: I do, Your Honor. I have two  
22 witnesses. I would first like to call Brandon Zalewski.

23 THE COURT: Mr. Blanchard, why don't you and your  
24 client have a seat.

25 MR. BLANCHARD: Yes, Your Honor.

1 (Discussion held off the record.)

2 THE COURTROOM DEPUTY: Good morning. Please raise  
3 your right hand.

4 Do you solemnly swear that the testimony you will  
5 give in this case will be the truth, the whole truth, and  
6 nothing but the truth, so help you God.

7 THE WITNESS: Yes, ma'am.

8 THE COURTROOM DEPUTY: Have a seat, please.

9 BRANDON MICHAEL ZALEWSKI,  
10 first having been duly sworn by the Courtroom Deputy,  
11 testifies under oath as follows:

12 DIRECT EXAMINATION

13 BY MR. MCCOY:

14 Q. Brandon, can you please state your name and spell your  
15 last for the record?

16 A. Brandon Michael Zalewski. Z-A-L-E-W-S-K-I.

17 Q. Where are you from, Brandon?

18 A. I'm from West Palm Beach, Florida.

19 Q. Now, you were in the Army, stationed at Ft. Polk;  
20 correct?

21 A. Yes, sir.

22 Q. And you were there in -- on April 12th of 2017?

23 A. Yes, sir.

24 Q. How long was your total service for the US Army?

25 A. Seven years, sir.

1 Q. And can you tell the judge, what was your MOS or your  
2 military occupational specialty?

3 A. I was a 31 Bravo, which was military police officer.  
4 And then I went to a special schooling to become an  
5 investigator.

6 Q. Now, were you serving as a military police officer or  
7 investigator on the date that the activities occurred?

8 A. Yes, sir.

9 Q. Okay. I want to track back a little bit before we get  
10 into the specifics on that instance.

11 Can you let the judge know, did you have any  
12 overseas deployments?

13 A. Yes, sir.

14 Q. And let him -- can you tell him where they were and for  
15 how long?

16 A. I was in Germany for three years. And while I was in  
17 Germany I went to Afghanistan and Africa.

18 Q. And during your time in the Army, did you receive any  
19 awards? Any decorations? Medals?

20 A. Yes, sir.

21 Q. Okay. And during your seven years in the Army, what  
22 was your final rank?

23 A. Sergeant.

24 Q. Okay. Now, you are medically retired from the US Army;  
25 correct?

1 A. Yes, sir.

2 Q. And in terms of the events in question, did you get --  
3 what, if any, disability rating did you get?

4 A. I did get -- I got 50 percent for PTSD, but I also, for  
5 like my skin conditions, and then for my trouble breathing, I  
6 got rated at a 0 percent.

7 Q. Okay. So and that means to the judge that the Veterans  
8 Administration will be able to treat you for any of those  
9 issues that would -- could possibly occur later on in your  
10 life?

11 A. Yes, sir.

12 Q. All right. Now, tell the judge, on April 12th, 2017,  
13 what were your specific duties that day?

14 A. My specific duty was that -- that day was I was the  
15 odd-duty investigator. I was being overseen by Investigator  
16 Farbro, just because I was still within the training phase.  
17 And it was like my first day, but I was being watched what I  
18 was doing.

19 Q. Okay. And so tell him what happened. What was your --  
20 what was your role in the investigation that day?

21 A. My role in the investigation is the day started out  
22 when we heard about the incident. Myself, Farbro, and our  
23 boss, Mike George, we were all sitting in the mobile -- or  
24 not the mobile, the command center, and we were going over  
25 videos, hearing about the events.

1           And that's when we all decided that we would send  
2 Investigator Farbro out to the actual scene of the crime, and  
3 that I was going to go and find the subject, and figure out  
4 what was going on and try to see if I could locate any more  
5 harmful items.

6       Q.     And were one of those reasons that Mr. Farbro was sent  
7 out to the training areas is that he had more familiarity  
8 with that area?

9       A.     Yes, sir.

10      Q.     Okay. Now, you did locate the suspected vehicle at  
11 Ft. Polk; correct?

12      A.     Yes, sir.

13      Q.     Kind of explain to the judge where that area was in  
14 relation to the post.

15      A.     Okay. So there's the -- I guess you could say it's the  
16 library, slash, education center. So there's soldiers there.  
17 I mean, probably hundreds of soldiers at a time. That's  
18 where they go to get signed up for college and, you know, do  
19 all that type of thing.

20           Right down the street, there is a school; it's a  
21 child development center. And then across from there, there  
22 is a -- the commissary, which is where we do all of our food  
23 shopping.

24      Q.     Okay. So we see -- you see the vehicle.

25      A.     Yes, sir.

1 Q. And then do you approach it?

2 A. Yes, sir. So I saw the vehicle, and I radioed up that  
3 the vehicle was there. I approached the vehicle and looked  
4 through the driver's side window where I noticed a gun  
5 between the driver's seat and the -- in between the driver's  
6 seat and the center console.

7 Q. Okay. And what happens next?

8 A. That is when I turned around and I saw Ryan Taylor, and  
9 I asked him if that's who he was and if that he was the  
10 operator of the vehicle, in which he stated to me yes.  
11 That's when I placed him under arrest.

12 Q. Okay. Did you search the vehicle?

13 A. Yes, sir.

14 Q. Tell the judge what happened when you were searching  
15 the vehicle.

16 A. While searching the vehicle -- myself and several other  
17 officers, we began to look through the vehicle, when I  
18 started to feel an itchiness going through my throat, and I  
19 didn't really think too much of it. There was the odor of  
20 chlorine throughout the entire vehicle.

21 While going through the vehicle, I also found more  
22 loaded magazines, and also more chlorine tabs, and beer  
23 bottles. Also, in the back seat or in the trunk there was a  
24 bag that looked like it contained like the -- what had  
25 exploded and kind of like was cleaned up and put into a bag



1 which we opened, not knowing exactly what was going on at the  
2 time, which is when we got a really strong odor of a  
3 chlorine.

4 We continued to search the vehicle, when we found a  
5 protein bottle top. When we lifted the protein bottle top is  
6 when we noticed that it was melting the carpet on the floor.

7 Q. Okay. And shortly thereafter, did -- were you  
8 contacted, basically, by the hazardous material control?

9 A. So we were standing out there. And my boss, Mike  
10 George, came flying up in his patrol car and telling us to  
11 get away from the vehicle, that there -- it is an extreme  
12 hazard, when the fire department shortly later arrived on  
13 scene. And we were sprayed down with fire hoses and  
14 transported to the hospital.

15 Q. So that was like a decon -- decontamination process.

16 A. Yes, sir.

17 Q. All right. So you go to the hospital. At Ft. Polk  
18 they call that BJACH; right?

19 A. Yes, sir.

20 Q. The BJAC Hospital? So at BJACH, you're seen by  
21 treating medical professionals?

22 A. Yes, sir.

23 Q. Okay. And then you're released; correct?

24 A. Yes, sir.

25 Q. All right. Did you subsequently go back to the

1 hospital again?

2 A. Yes, sir. A few hours later, I was at the police  
3 station when I started to feel as if somebody had a hand on  
4 the back of my -- on my back, and then on my chest, and just  
5 were squeezing my chest together. It started to become  
6 really hard to breathe. I started to panic. My throat  
7 started to feel like it was swelling. So that's when myself  
8 and several other people decided to go back to the hospital.

9 Q. So I guess in conclusion, Brandon, can you just tell  
10 the judge what, if any, effects this incident has had on your  
11 life? What was the impact on it?

12 A. So the impact is just the fact that I still can't do a  
13 lot of exercise, running, playing with my kids for too long.  
14 You know, it makes it hard to breathe. As a kid, growing up,  
15 all I ever wanted to do was become an FBI agent or a marshal.  
16 And with the diagnosis of PTSD and being on medicine, it's  
17 not within reach anymore.

18 THE COURT: What medicine are you on right now?

19 THE WITNESS: It's -- I believe it's called  
20 Cymbalta.

21 THE COURT: This is for the PTSD?

22 THE WITNESS: Yes, sir.

23 THE COURT: Are you taking anything at all for the  
24 skin?

25 THE WITNESS: I was on a medical steroid that

1 was -- it's like a lotion. I don't know the name of it, Your  
2 Honor.

3 THE COURT: Okay.

4 THE WITNESS: Then there is this like, you know --  
5 there is a thought of just, yeah, Investigator Farbro knew  
6 the area of where he was going where the bomb was set off,  
7 but I have to live with the decision that we all made of  
8 sending him out there and knowing how affected he is, and I  
9 can't sleep at night some nights. It's one of those things.

10 Like he was a really close friend of mine at this  
11 point. And knowing that, you know, he could have lost his  
12 life and is still struggling every day of his life is really  
13 something hard to live with.

14 MR. MCCOY: I have no further questions, Your  
15 Honor. I tender.

16 MR. BLANCHARD: No questions, Your Honor.

17 THE COURT: How far away is the Mona Lisa  
18 Apartments from where this took place?

19 THE WITNESS: Mona Lisa?

20 THE COURT: Are you familiar with the Mona Lisa  
21 Apartments?

22 THE WITNESS: I want to say it's right outside the  
23 main gate. I would say it's probably about ten minutes, Your  
24 Honor.

25 THE COURT: Is it a walk or drive?

1 THE WITNESS: Drive, Your Honor.

2 THE COURT: It's a few miles away, then?

3 THE WITNESS: Yes, Your Honor, because you go into  
4 the gate -- it's about -- I would say, about a mile into the  
5 gate is where the library is. And about maybe a mile or a  
6 mile and a half out the gate is where the apartments are.  
7 It's about two -- roughly about two miles, I would say.

8 THE COURT: Okay. And you mentioned about the  
9 commissary. You mentioned about the children's school. How  
10 far away were they from where the bomb was detonated?

11 THE WITNESS: Within a hundred yards, Your Honor.

12 MR. MCCOY: Brandon, that's where the vehicle was.

13 THE WITNESS: Yes, Your Honor.

14 MR. MCCOY: So where the -- where the detonation  
15 was was out in a training -- training range --

16 THE WITNESS: Right.

17 MR. MCCOY: -- correct?

18 THE COURT: And how far was that away?

19 THE WITNESS: Um...

20 THE COURT: About.

21 THE WITNESS: Probably about a half a mile to a  
22 mile.

23 THE COURT: Okay.

24 All right. Any other questions?

25 MR. MCCOY: No, Your Honor.

1 THE COURT: Mr. Blanchard, any other questions?

2 MR. BLANCHARD: No, Your Honor.

3 THE COURT: Thank you, sir. You may step down.

4 Call your next witness.

5 MR. MCCOY: Yes, sir. Your Honor, we call Joshua  
6 Farbro at this time.

7 THE COURTROOM DEPUTY: Good morning. You can go  
8 have a seat. Please raise your right hand.

9 Do you solemnly swear that the testimony you will  
10 give in this case will be the truth, the whole truth, and  
11 nothing but the truth, so help you God?

12 THE WITNESS: So help me God. Yes, ma'am.

13 THE COURTROOM DEPUTY: You can have a seat.

14 THE WITNESS: Thank you.

15 DIRECT EXAMINATION

16 BY MR. MCCOY:

17 Q. Okay, Josh. I'm going to ask the same question for  
18 you. Can you please state your name and spell your last for  
19 the record.

20 A. Joshua Francis Farbro, F-A-R-B-R-O.

21 Q. And, Josh, if you need some water, there are glasses  
22 and fresh water right there.

23 Josh, where are you from?

24 A. Wichita, Kansas.

25 Q. And what city did you come into the Army from?

1 A. Kansas City.

2 Q. Okay. And you were stationed at Ft. Polk?

3 A. Yes, sir. Since 2011.

4 Q. Okay. So let the judge know, your MOS was also  
5 military police?

6 A. Yes. I was a 31 Bravo, Your Honor, but also I  
7 specialized in PSD, which is Protected Service Detail. I was  
8 also a team leader and the head sniper on the SWAT team.  
9 Also, I taught a lot of the courses on our military academy,  
10 as well. We call that LE certification. Kind of like the  
11 military's version of the academy, once you get to your  
12 station. I was also an advanced marksman trainer, and pretty  
13 well known around the post, Your Honor.

14 Q. Now, Josh, can you explain to the judge a little bit,  
15 because I know you're -- in the military, you're all using  
16 acronyms --

17 A. I'm sorry.

18 Q. -- so try and let him understand. So that PSD  
19 detachment, can you explain to the judge what that -- those  
20 duties are?

21 A. It's pretty much the military version of the secret  
22 service, Your Honor. You're kind of like bullets punch. You  
23 pretend you're assigned a principal, and you protect them,  
24 and pretty much you follow them everywhere around; you're  
25 their bodyguard, pretty much.

1 Q. Now, Josh, you arrived in Ft. Polk in 2011, you said?

2 A. Yes, sir.

3 Q. So that was your first and only duty station; correct?

4 A. Yes, sir, minus deployments.

5 Q. Minus deployments and boot camp, et cetera.

6 So you were in the Army for about six years;

7 correct?

8 A. Yes, sir. About that.

9 Q. Okay. What was your rank at the time of the incident?

10 A. Sergeant.

11 Q. Were you a -- were you up for staff sergeant, or  
12 shortly thereafter would be --

13 A. I was a few days away from my promotion board for  
14 staff, but I was also in the period of trying to switch over  
15 to CID, doing an award program.

16 Q. Okay. And was it your intention to make the Army a  
17 career?

18 A. Yes, sir.

19 Q. In some law enforcement capacity.

20 A. Yes, sir.

21 Q. Let the judge know, what type of military awards,  
22 decorations, did you receive during your service?

23 A. I've had all kinds of awards, Your Honor. From --  
24 everything from six or seven Army achievement medals, to Army  
25 accommodation medals, good service medals. I've had oversea

1 ribbons. A couple of awards while I was deployed. I  
2 received NCO of The Year for our battalion. I received  
3 Soldier of the Year for our battalion. I went up through  
4 different courses. I was kind of a competitor. I always  
5 wanted to better myself and my career.

6 Q. All right. Now, with that, I want to -- I want to  
7 circle you back to the date in question, that April 12th of  
8 2017. What was your assignment that day?

9 A. That day, and actually that week, I was -- I was like  
10 the only senior detective at that time, or investigator at  
11 that time, in that office. So I was overseeing everyone's  
12 calls just to -- because we were training them. We were --  
13 just went through a switch of investigators. And I was a  
14 senior there, so I was over-watching Zalewski and the office,  
15 pretty much, that day.

16 Q. Okay, Josh. And tell the judge what happened that day,  
17 from your perspective.

18 A. Yes, sir. So, Your Honor, that morning, I was out  
19 running down leads and getting coffee for the office, like we  
20 do in the mornings. I get a call from Mike George, which is  
21 our boss, saying that I need to get to the station; that we  
22 had a walk-in complaint of two soldiers that came in, and  
23 they witnessed an individual out in the woods, which is a  
24 military training area -- we call it Rosepine 2 -- and that  
25 he was setting off some kind of explosive device. There was



1 a loud noise. And they were actually within the vicinity  
2 doing a land nav, land navigation course, at the time.

3 Q. Okay. What, if anything, did you do at that Rosepine  
4 area?

5 A. At that moment, we were still at the -- we got that  
6 call and we were told that he was approached, and they --  
7 that he -- that Mr. Taylor had told him that he had a weapon  
8 on him at that time.

9 Q. So you got a call from other soldiers that had been at  
10 that training range; correct?

11 A. Yes, sir. They came in --

12 Q. So there were -- there were personnel there when the  
13 device --

14 A. Yes, sir. They made a -- they came in right to the  
15 station afterwards, after Mr. Taylor left the scene, and made  
16 the report. And so we -- our report was we have the possible  
17 armed and dangerous individual who fled an area after setting  
18 off an explosive devise.

19 Q. Okay. And so what did you do next?

20 A. Being one of the head leaders of the SWAT team, I had  
21 to notify my guys we have a possible armed and dangerous guy  
22 headed towards post. I had my team pulled up and ready, just  
23 in case.

24 And also, I was the senior investigator that day,  
25 so I also was working -- it was Zalewski's duty day, so it

1 was kind of both the team work, let him call the shots, just  
2 give him time to run. And I've been at Ft. Polk the longest,  
3 pretty much, of all the soldiers there, so I knew the area  
4 well.

5 They're like, with your experience and also you --  
6 we got to have someone check it out. And you're also on  
7 duty. You're the man to go. And because they said where it  
8 was, and I knew exactly where it was, and that -- excuse me,  
9 I didn't have to use a map or anything.

10 So we waited on EOD, contacted bomb squad, and  
11 waited on them, and we escorted them out to the site at  
12 Rosepine 2 off of LA-10.

13 Q. Okay.

14 A. Excuse me. So after that, Brandon and a few other  
15 officers, we had patrols, we started going over gate cameras,  
16 had dispatch looking over everything, trying to find out  
17 where this vehicle was. We found out what gate he left out  
18 of, using our cameras off of the gates and everything, and  
19 found out he actually came around through the north end of  
20 post.

21 We finding this out, roughly, as I'm heading out to  
22 the scene. I get out there and make contact with -- I forget  
23 the individual's name, but it was the staff sergeant out  
24 there that was part of the training unit.

25 Q. Okay.

1 A. And pretty much told me exactly what the two came into  
2 the station had told us, that they witnessed an individual  
3 setting off an explosive device. They tried to confront him.  
4 Found out he had a loaded weapon. And he left.

5 Q. Okay. So now, you have -- after you've spoken with the  
6 staff sergeant, what happens after that?

7 A. Right then and there, we kind of get everyone to back  
8 off. I'm out there with EODs. We're trying -- they didn't  
9 know exactly where it went off because they were over -- it's  
10 kind of like a ridge. So they -- once they heard the noise,  
11 that's when they sparked interest, they went and looked and  
12 saw him leaving. So they knew exactly where it went off.

13 Q. Okay.

14 A. So we had to walk around and look. Myself and the EOD  
15 was out there. And we kind of got a faint smell. We really  
16 wasn't sure. Because, I mean, out there, everyone trains, so  
17 it just -- it smells around Ft. Polk.

18 So we didn't know, really, what was going on until  
19 we start looking at our feet and looking at the grass. And  
20 we come across. And there was a training Conex, like a  
21 little metal building, on the left as we were approaching  
22 from the west side of the training area. And we saw a spot  
23 that looked like a blast site. There was foamy substance in  
24 the middle. You could see it sizzling and everything. I had  
25 no idea what the -- what it was at all.

1 Q. Okay. So when y'all see that, does EOD respond to the  
2 scene or to the -- to that specific part of the training  
3 ground?

4 A. Yes. So at that moment, yes, being a detective  
5 investigator, we have to, you know, take care of the crime  
6 scene, protect it and everything. But for safety measures,  
7 because it was, we -- I asked EOD to check it. They had a  
8 scanner. I didn't know what kind of scanner it was, whether  
9 it was a radiation scanner or not. I used my pocket knife,  
10 scooped it up, put it on the tester, and said it was --  
11 seemed it was safe.

12 Q. Okay. So after that, did you started investigating the  
13 scene or --

14 A. Yes, sir.

15 Q. -- conducting your examination?

16 A. So I had everyone back off. We got a safe cordon, just  
17 so to make sure nothing was contaminated, evidence was ruined  
18 and anything like that. Did a 360 photography of the entire  
19 scene. Started taking pictures and measurements of the area  
20 and everything else.

21 And it was about -- at that time, it was roughly  
22 about a four-foot blast radius at that time. Then I started  
23 to collect gravel around there because I noticed it was  
24 starting to turn yellow. And once I put one of the pieces of  
25 evidence in a bag, I didn't even seal the bag. Because

1 normally, the evidence bags, you seal them. I just kind of  
2 folded it over for a second so I could mark it in a second.  
3 And the bag ended up blowing up within two seconds of me  
4 turning around.

5 Q. So then after that happens, what are your steps?

6 A. At that, I was like kind of weird, looked at the EOD  
7 and said, are you sure this is safe? He said it should. And  
8 then we look around. And as, you know, I'm sitting here  
9 taking samples, the ground starts changing colors; it went  
10 from green grass, normal gravel to you could watch the grass  
11 start turning brown within an area. And I looked down. And  
12 I started getting heavy breath and, guys, this smells weird.  
13 And that's when we were like -- I started getting dizzy,  
14 lightheaded. I said, guys, we got to -- we called dispatch,  
15 called HAZMAT out.

16 Q. What, if anything, did you notice about your gloves?

17 A. At that time, my hands were itching and burning.  
18 Looked down, and like my latex gloves, they're really just  
19 started to deteriorate, they started melting away, pretty  
20 much.

21 Q. Okay. So at that point, when you all back off, does  
22 HAZMAT come? What happens next?

23 A. Okay. So we contact dispatch and Chief Lungren on  
24 what's going on. And we get a clear cordon about 3 - 400  
25 yards away from it, as best we could. And then I go back

1 trying to get reports, trying to contact with HAZMAT, as  
2 well, make sure we got safe areas, where to come. And also  
3 talked to the chief and all the higher-ups that are trying to  
4 come out there and see what's going on, also. Because at  
5 this point, we're like, well, what the heck's going on.

6 And then at that time is when I got really dizzy.  
7 I had to sit down in the back of the tailgate of the truck,  
8 and I ended up kind of passing out for a second.

9 Q. Okay. And then do you subsequently get decontaminated  
10 at the station or on the scene?

11 A. So my partner, Matt Seegers, comes up. He was kind  
12 of -- he was one of the investigators, but also works in game  
13 enforcement, so he was out there as a ride-along. Excuse me.  
14 And he comes up to the truck, checks on me and he says, hey,  
15 you're kind of out of it. Wakes me up. HAZMAT comes out.  
16 They're staged on LA-10, which is the highway that runs past  
17 the training area.

18 So we have to walk a ways around the area radius  
19 just to be safe because we knew it was chemical. And we get  
20 to LA-10. They break out the fire hoses on the truck, they  
21 strip us down naked, and decon us on the side of the road at  
22 that moment.

23 Q. Okay. And then are you subsequently brought to the  
24 hospital?

25 A. Yes, sir.

1 Q. Okay. What happens at the hospital?

2 A. We arrive at the hospital. And at that time, we find  
3 out that they're at the library working the car; that they  
4 found the car and everything. And we're both like, hey, we  
5 got to get back. But we weren't feeling as well. They took  
6 our vitals and everything at the hospital at first and  
7 noticed that -- they were like, oh, you got a little  
8 shortness of breath. Everything seems okay. If you have any  
9 issues later on, please come back.

10 Q. Okay. So then you leave the hospital; correct?

11 A. Yes, sir.

12 Q. And you go back to the office?

13 A. I go back to the office to change because I had  
14 absolutely no clothes. They took my tactical pants, my pull  
15 over, my boots. My boots were ruined, like the bottoms of  
16 them. That chemical got on them, so they were just -- they  
17 were trash.

18 I decided to go change. And then once I got  
19 changed, I got called out to the new command center at the  
20 library where they had HAZMAT set up for evidence transfer.

21 Q. Okay. And what happens when you're over there?

22 A. We got there. Everyone's kind of -- they got  
23 everything cordoned off. We were just trying to get  
24 accountability of all our equipment. Like I had to pass off  
25 my weapon. We had to pass off cars. There was a bunch of

1 stuff missing, and we just wanted to make sure everything was  
2 accounted for, as well. So I was involved in helping  
3 transfer the evidence back to the station so we could process  
4 it and make sure everything was documented correctly.

5 Q. Okay. And tell the judge what do you -- what's going  
6 on after that?

7 A. Okay.

8 Q. You leave the library area; correct?

9 A. So we leave the library and we get back to the office,  
10 Your Honor. And we start processing it. I was starting to  
11 feel a little sick, lightheaded. Pass it on to one of the  
12 other detectives there, and he was our evidence custodian.  
13 So he was going through it with the desk sergeant, making  
14 sure that everything was annotated correctly.

15 At that time, I didn't know that those pieces  
16 possibly were contaminated, as well. Then I started to get  
17 dizzy and my chest starts clenching, burning. I couldn't  
18 breathe. My throat was swelling up. And I kind of get  
19 dizzy. And my deputy chief, Jack Bolder, takes and says, you  
20 got to go back to the hospital. So he took me back to the  
21 hospital.

22 Q. Okay. So this is the second time you're going to --

23 A. Yes, sir.

24 Q. -- the same hospital.

25 A. Yes, sir.



1 Q. Okay.

2 A. About two hours after release.

3 Q. What happens when you go to the hospital the second  
4 time?

5 A. They started to admit me. I went in there. They put  
6 me on a breathing treatment. And my blood pressure was high.  
7 My vitals were pretty high. And there -- they were just  
8 curious because we didn't know what the chemicals were. It  
9 took us a while to figure out what the chemicals were. So  
10 they didn't know really how to treat it.

11 Just they were treating for, you know, a normal  
12 you-can't-breathe or whichever and -- I'm sorry. After that  
13 it was kind of they were wanting to admit me, but they're  
14 really not sure. And they -- an investigator and everything,  
15 you got a big case coming up. I mean, any law enforcement  
16 officer in here will agree you get some cool stuff, you want  
17 to do your job. There is some stuff that sucks, but there is  
18 some stuff you live for when you're a law enforcement  
19 officer. You want to work the cool stuff. You want to do  
20 this. You want to do your job. You just don't want to sit  
21 back and let, you know, other people get hurt or anything  
22 like that.

23 And so it was kind of a -- not really an argument,  
24 but the doctor was like, hey, and my boss vouched for me. He  
25 said, if he gets worse, we'll bring him back and we'll keep

1 an eye on him. But I had to get back to the office and make  
2 sure that everything was fresh in my mind. I had to type  
3 reports. I had to give statements. Had to make sure my guys  
4 were okay, because, I mean, half of them were at the  
5 hospital.

6 Q. Okay. So you leave the hospital again and go back to  
7 the office?

8 A. Yes. When I stepped into the hospital -- headed back  
9 to the office, and that's when Taylor was brought into BJACH,  
10 and that was the first time I actually saw him. And one  
11 thing that bugged me was the look. He had a smile on his  
12 face, and laughing as my fellow agents and investigators were  
13 getting decon'd outside of the hospital. They were all  
14 stripped down of clothes, getting sprayed off, and we bring  
15 in -- the other officer is bringing in Taylor to get decon'd,  
16 and he's kind of making a joke out of it. That hit us pretty  
17 hard, that smiling and laughing just, for someone who wanted  
18 to -- not meant to hurt anyone, kind of seemed happy about it  
19 is what it seemed like at that point.

20 Q. All right. So you leave the hospital. You go back to  
21 your office, and you're typing up your reports; right?

22 A. Yes, sir. So staying at the office that night for a  
23 while. Left home to get a change of clothes. Came back.  
24 Had blotter brief in the morning, just because it was a big  
25 incident and we all had to be there to tell our stories.

1           And I was the lead guy at the scene at the moment,  
2     at the blast site. So I was there. We went out with -- I  
3     went out with Agent Hindiger, I believe, with CID. And we  
4     went to go -- we were told that somehow through all this,  
5     there was another device or container that was ditched out of  
6     the car.

7           So we went -- we were trying to search the area,  
8     trying to find that container. We found it about a quarter  
9     mile outside of the original blast site on the side of LA-10.

10    Q.     Okay. Now, at some point, you're -- you go back to the  
11    hospital; correct?

12    A.     Yes, sir.

13    Q.     In fact, you get admitted to the hospital.

14    A.     Yes, sir. So there was about -- I come back to the  
15    office, and chief gets onto me and Investigator Zalewski  
16    about being at work, because everyone else got like four-day  
17    quarters and we're out there working. He says, no matter  
18    what, he like you can type your statement at home. He's like  
19    if you have anything in your mind, call us and tell us, but  
20    you got to go home and rest. So the department sent us home  
21    to rest.

22           It was about -- it was rough. I was in and out of  
23    the doctor each day just checking vitals. They had us come  
24    back every now and then and check with the victim's council  
25    and everything.

1           And the breathing got worse, Your Honor. Um, it  
2       was hard to sleep. And then about -- it was probably about a  
3       week later, I was still going to the doctor. I was assigned  
4       one doctor, in the beginning, that put me on medical  
5       steroids, everything. He was trying to fight the infection.  
6       Because we didn't even know what the chemical was.

7           And then about a week after the incident -- I live  
8       about -- at that time, I lived about 30 minutes outside of  
9       post where there's no cell service, just a nice place to get  
10      away. And I had a roommate at the time. And woke up in the  
11      middle of the night and wasn't able to breathe. I couldn't  
12      find my inhaler. I couldn't walk. Couldn't get to my phone.

13           And my roommate comes in and checks on me, rushed  
14      me to BJACH, and that's -- when they took me there, they  
15      contacted my doctor who was on call, and found out that my  
16      lung had collapsed and that my throat was also collapsed, as  
17      well.

18      Q.     All right. So what do they do as a result? Like how  
19      long were you in the hospital?

20      A.     I was in the hospital for about six days. Continuous  
21      breathing treatments. I was hooked up to a breathing machine  
22      for a while. Different steroid treatments, pain killers.  
23      Everything I could, just to -- my blood pressure was high.  
24      It was painful breath. It was just the pain, dealing with it  
25      was the hard part.

1           And they let me go about a week later, and just  
2       because they still don't know what kind of chemicals this is.  
3       We're working with CID and labs trying to -- if you ever  
4       worked with a lab, you know it takes a while to find out, get  
5       results back. So we had no idea exactly what chemicals were  
6       in there, minus the chlorine packaging we found. So no  
7       doctor really knew how to treat it -- excuse me, at that  
8       moment just because it's not an everyday injury, you know.

9           So time goes by. And it gets worse, breathing gets  
10      worse. I had to do some breathing tests. And the first  
11      test -- I couldn't complete a breathing test if I tried, the  
12      first month or two. And then, finally, once I completed a  
13      test, it came back to like -- in the beginning, I was like  
14      20 percent lung capacity, 25 percent lung capacity, to where  
15      it showed in my everyday. I couldn't breathe. Couldn't do  
16      much. Sleep was an issue. I was terrified to go to sleep  
17      just because --

18      Q.     Why were you terrified to go to sleep?

19      A.     I had damage, nerve damage. It controlled -- so the  
20      chemicals chemically burned the entire of my throat and in my  
21      chest to where it damaged the nerves that run how your vocal  
22      cords move in the back of your throat when you breathe. So  
23      your brain has a nerve that tells you to breathe correctly.  
24      Where your vocal cords are supposed to act normal, mine were  
25      compromised and acting backwards. So any amount of stress

1 that triggered a nerve, and my throat would just close up, or  
2 my cell phone would be able to tell me to breathe, Your  
3 Honor --

4 Q. All right.

5 A. -- and I'd wake up.

6 Q. I'm sorry.

7 A. No, go ahead.

8 Q. As a result of what happened here, did you have to have  
9 certain surgeries?

10 A. Yes, sir.

11 Q. Tell the judge about that.

12 A. Back in November, I had a full throat reconstruction  
13 surgery and a tissue transplant on my throat. They went  
14 through and they pretty much scraped all the dead, infected  
15 tissue out of my throat and vocal cords. They did injections  
16 into my vocal cords, trying to fix them, trying to get them  
17 to act better. It was just a temporary thing just to see if  
18 it worked, because it was -- I was like a lab rat.

19 Like no one knew really what the damage was, except  
20 I couldn't breathe and I had a lot of chemical burns and scar  
21 tissue. And so they tried the surgery. They went into my  
22 throat, they scraped it. And they did biopsies of my lungs.  
23 They couldn't open my chest. They were talking about opening  
24 my chest, but they were afraid the chemicals would spread  
25 because I still had chemicals in my lung. And I still, to

1 this day, still have chemicals in my deep lung area due to my  
2 lungs can't operate correctly because my throat's not fixed  
3 yet. They have to fix my throat so my lungs can properly  
4 function to be able to push that air out. And so to this  
5 day, I still deal with it.

6 And I've had other procedures to where since they  
7 can't go in, it's painful, they have to like separate my jaw  
8 when they go down my throat. And they also have to send  
9 scopes up my nose and stuff them down my throat, almost every  
10 throat appointment I go to, just to see if the damage has  
11 gotten worse or if they're still acting backwards. And it's  
12 about every single time I go.

13 Q. And as a result of this injury or a result of this  
14 incident, would you say that's why you were medically  
15 retired?

16 A. Yes, sir. It's a fact that I was in physical --  
17 physical peak of my life. I was a go-getter. I worked out  
18 every day. I ran every day. I could run five miles -- I  
19 could run a two-mile in eleven minutes. And now I can -- I  
20 joke it about it all the time, but it's true. I can barely  
21 walk to my mailbox without getting winded. There is no more  
22 working out. There is no more any outdoor activities. There  
23 is -- there's nothing. My life is gone.

24 That -- it's -- you need to breathe to be able to  
25 live, and it's very difficult. And -- excuse me. I would

1 say that the injury -- that injury was -- I had no injuries  
2 before, and that's one that pushed me to retirement.

3 Q. What about like common illnesses? A common cold? Does  
4 that have a negative effect on you?

5 A. Yes, sir. So anytime I get sick, I have to go to the  
6 ER, I have to go to the hospital. Because even puking,  
7 coughing, any aggravation, is a stress inducer that causes --  
8 the damage I have to my nerves that activate my throat,  
9 causes me to go to the hospital.

10 Breathing attacks. You can ask -- my girlfriend's  
11 lived with me for the past -- since the incident. She's the  
12 one that deals with it the most. She -- she's woken me up  
13 two, three times in the middle of the night because I can't  
14 breathe or I'm tossing and turning and choking. She has to  
15 run and try to get my inhaler. She's on me 24/7, trying to  
16 make sure I'm still breathing.

17 There's times I didn't even realize, in the middle  
18 of the night she's taken me to the hospital because I can't  
19 breathe and living in fear that am I going to wake up the  
20 next day.

21 Q. Josh, as best you can, try and explain to the judge how  
22 this -- the effects or the after effects of this incident has  
23 impacted your life.

24 A. Yes, sir. So, Your Honor, like we said in the  
25 beginning, I wanted to make a career out of the military. I



1       busted my butt the best I could to be -- to have a good  
2       future. I wanted to do 20 years. I wanted to leave the  
3       military. I wanted to go FBI. I was working towards it. I  
4       was about to apply.

5               I was in the process of applying for CID and  
6       switching my career. I did every extra schooling you can  
7       think of. And I was good at it. I loved my job. And that  
8       injury -- Sergeant Joshua Farbro does not exist anymore, he  
9       was killed that day, that he is no longer in life. That I am  
10      a brand new person now. It's rough. It sucks. But that man  
11      does not exist. And from what doctors say, if I don't -- if  
12      they can't figure out how to fix me, that the new guy won't  
13      exist much longer either.

14             MR. MCCOY: I have no further questions, Your  
15      Honor. I tender.

16             THE COURT: Mr. Blanchard?

17                       CROSS-EXAMINATION

18      BY MR. BLANCHARD:

19      Q.       Mr. Farbro, I'm so sorry about what happened to you,  
20      but I do have to ask you a few questions.

21      A.       Yes, sir.

22      Q.       First of all, I think you initially said that the  
23      people who were out there doing the training had seen  
24      something. But if I understand your subsequent testimony,  
25      they didn't see anything; they heard something.

1 A. Correct. They heard and went and observed, and saw  
2 what appeared to be someone -- this was just the original  
3 call we got from dispatch. And that they walked in and that  
4 they saw the individual in the vehicle, and that they saw  
5 what was to be.

6 Q. After they heard something.

7 A. Yes, sir.

8 Q. And apparently went in that direction to see what it  
9 was that they had heard.

10 A. Yes, sir.

11 Q. Because this was a training area.

12 A. Yes, sir. A training area you're not supposed to be  
13 in.

14 Q. And I'm supposing that they had the right or the  
15 permission, or whatever, to use the training area on that  
16 day.

17 A. The unit that was out there, yes, sir. You have to  
18 reserve those areas through a long process to be able to use  
19 them. And they're actually not supposed to be out there  
20 while the units are there. There's actually -- they have  
21 road blocks and little barricades up that say do not enter.

22 Q. And you said that they were apparently behind a ridge.  
23 So they couldn't really see anything until they crossed the  
24 ridge?

25 A. From what I was told, yes, sir, that that training

1 area's all hilly. It's land nav. It's going to be, you  
2 know, different. You learn the terrain. So the terrain's  
3 all crazy there.

4 Q. Did you take the photos that were taken out there that  
5 day?

6 A. Yes, sir.

7 MR. BLANCHARD: Can I approach, Your Honor?

8 THE COURT: Sure.

9 BY MR. BLANCHARD:

10 Q. So, Mr. Farbro, would you look at those photos and see  
11 if those are actually photos that you took.

12 A. No.

13 Q. They are --

14 A. These are not my photos.

15 Q. Do you recognize those photos?

16 A. I recognize the area, but the red tape was put up  
17 after --

18 Q. Okay.

19 A. And I was in the hospital, because we didn't -- I was  
20 gone before the red tape was even put up. So I can tell you  
21 right now, I did not take these photos.

22 Q. Okay. But again is this the area?

23 A. Yes, sir.

24 Q. And apparently, I see one, it says something in  
25 English, but also Arabic?

1 A. Roger. That's -- they have different names for each  
2 training area, and that was Zarange.

3 Q. Zarange, okay.

4 MR. BLANCHARD: And I'm going to mark this  
5 Defendant's Exhibit 1.

6 (Defendant's Exhibit 1 was  
7 marked for identification.)

8 BY MR. BLANCHARD:

9 Q. So Defendant's Exhibit 1, would that show where you  
10 would enter the area?

11 A. You could. There is about four different ways to get  
12 in that area, but that is one way you --

13 Q. That's the way y'all entered, apparently.

14 A. Yes.

15 MR. BLANCHARD: Okay. And I'm going to mark this  
16 one Defendant's Exhibit 2.

17 (Defendant's Exhibit 2 was  
18 marked for identification.)

19 BY MR. BLANCHARD:

20 Q. Now, you mentioned this happening around a training  
21 building. So is this the building where the weapon was set  
22 off?

23 A. Permission to use your pen?

24 Q. Sure. And I was going to --

25 A. Can I draw on it?

1 Q. Yeah. Can you mark it or --

2 A. Yeah. So --

3 Q. Okay.

4 A. So like I say, I believe this -- these pictures look  
5 like they were taken the next day.

6 Q. Okay.

7 A. I'll show you. You can see the blast area right there.  
8 I'll circle it right now. It was right in front of that  
9 Conex. And you can see that brown in the grass --

10 Q. Okay.

11 A. -- in the concrete where it's stated in my statement.

12 Q. And that's on Defendant's Exhibit 2.

13 THE COURT: You can come up.

14 MR. BLANCHARD: And I'm going to mark this  
15 Defendant's Exhibit 3.

16 (Defendant's Exhibit 3 was  
17 marked for identification.)

18 THE COURT: That was the...

19 BY MR. BLANCHARD:

20 Q. Now, you mentioned another container being found.  
21 Would that appear to be where it was found?

22 A. There is really no -- I mean, from this picture, I  
23 can't tell because I don't know how far away it is --

24 Q. Yes.

25 A. -- from the actual exit of the training area. If this

1 is a photo facing north, then it would be on this side.

2 Q. Okay.

3 A. Oh, excuse me -- yes, if it was facing north, it would  
4 be on this side. If this was a south-facing photo, it would  
5 be on this side.

6 Q. Okay. But does that appear to be LA-10 to you?

7 A. Yes.

8 MR. BLANCHARD: Okay. Again I'm going to mark this  
9 Defendant's Exhibit 4.

10 (Defendant's Exhibit 4 was  
11 marked for identification.)

12 BY MR. BLANCHARD:

13 Q. And does that appear to be the same entry area that was  
14 marked Zarange and had Arabic writing on it?

15 A. It could be. I'm telling you there's about a hundred  
16 of these roads --

17 Q. Okay.

18 A. -- with those signs all over Ft. Polk. So if, I mean,  
19 I --

20 Q. Do you know the motion training area?

21 A. Yes, sir.

22 Q. And they lead into woods?

23 A. Yes, sir.

24 Q. Okay. And that's what it was. It was a wooded area;  
25 correct?

1 A. Yes, it was.

2 MR. BLANCHARD: And, finally, we're going to have  
3 Defendant's Exhibit 5.

4 (Defendant's Exhibit 5 was  
5 marked for identification.)

6 BY MR. BLANCHARD:

7 Q. Again does that appear to be the same entrance area,  
8 maybe taken --

9 A. Yes, sir.

10 Q. -- a photo taken further back?

11 A. Yes, sir.

12 MR. BLANCHARD: Okay. Your Honor, I would like to  
13 introduce Defendant Exhibits 1 through 5.

14 THE COURT: Any objection?

15 MR. MCCOY: I have no objection, Your Honor.

16 THE COURT: Okay.

17 MR. BLANCHARD: Thank you, Mr. Farbro.

18 I don't have any further questions, Your Honor.

19 THE COURT: Thank you. Any redirect?

20 MR. BLANCHARD: No, Your Honor.

21 THE COURT: Thank you, sir. You may step down.

22 Exhibits 1 through 5 admitted into evidence.

23 (Defendant's Exhibits 1 - 5 were  
24 admitted into evidence.)

25 THE COURT: Any other witnesses by the government?

1 MR. MCCOY: No, sir.

2 THE COURT: Okay. Anything further by the defense?

3 MR. BLANCHARD: Yes, Your Honor. Your Honor, I  
4 would just submit, you know, there's certainly no contest --  
5 and I've said it in my pretrial memo, and I've known for  
6 quite a while after looking at these gentlemen's medical  
7 records, that there is no contest about the four-level  
8 enhancement for serious bodily injury or death. And we don't  
9 contest that.

10 You know, I do disagree, of course, with Your  
11 Honor's application of the Guidelines. But, you know, the  
12 factual argument that I made, it still stands, no matter how  
13 you apply the Guidelines; that this was something that  
14 certainly was not intended, nor was it the purpose, Your  
15 Honor. And it's, obviously, why doing something like this is  
16 illegal with chlorine or other chemicals, because of the  
17 horrible injuries that these men suffered. But it doesn't  
18 change the fact that Mr. Taylor -- it's certainly an immature  
19 act, but that he didn't intend it, Your Honor.

20 And, again in my presentence memo, I don't think  
21 that there's any need for this sentence to protect or to  
22 prevent Mr. Taylor from committing another offense. I  
23 don't -- I just don't see that happening, Your Honor. He had  
24 a fine record in the service, an exemplary record in the  
25 service. You know, no one had anything bad to say about him



1 during the course of the extensive investigation that went on  
2 with this. And I think there's very little chance that he is  
3 going to ever commit another offense, Your Honor.

4 So with that in mind, I think that leaves Your  
5 Honor with promoting respect for the law. And a five-year  
6 sentence, certainly any sentence within the Guideline range,  
7 would be more than enough to do that, Your Honor. That's a  
8 significant sentence for a person this age, Your Honor.  
9 Thank you.

10 THE COURT: All right. Thank you.

11 Any response by Mr. McCoy? By the government?

12 MR. MCCOY: Briefly, Your Honor, if I may. And I  
13 would just like to talk in somewhat of a rebuttal from  
14 Mr. Blanchard's well-written sentencing memorandum as it  
15 relates to this case.

16 Your Honor is well aware this is a difficult  
17 matter. You have the life of at least one individual is  
18 forever changed, and that's not disputed here today. And  
19 it's, obviously, your duty, as the judge, then, to fashion an  
20 appropriate sentence under the sentencing factors, under the  
21 3553(a) factors.

22 But I would like to just kind of draw some of your  
23 attention, in rebuttal to Mr. Blanchard's sentencing  
24 memorandum, and I would like to do that by just kind of  
25 walking you through some of the items that were already

1 submitted -- or not already, they are submitted within the  
2 PSR, because I think that will help in your determination of  
3 an appropriate sentence. So I just wanted to highlight a  
4 couple of facts that are not disputed between the parties as  
5 to what happened on that date, April 12th of 2017.

6 Obviously, you've already heard the testimony of  
7 Mr. Zalewski and Mr. Farbro, to kind of get an idea of what  
8 happened on that day. So you almost already have a real-time  
9 play-by-play from these two investigators, one at the scene  
10 where the Conex boxes were on the training range, and then  
11 one where the vehicle was found over at the education center  
12 on Ft. Polk.

13 But I do want to draw your attention back to that  
14 Pretrial Services Report where the soldiers that made the  
15 report mentioned that they had heard noises described as  
16 small arms fire or firecrackers. They identified the  
17 direction of the noise. They observed a soldier near a  
18 four-door sedan with the trunk open, doing what appeared like  
19 he was filming something.

20 They approached that soldier, according to the  
21 reports, and he said that he was setting off fireworks.  
22 Those individuals had mentioned they could smell a  
23 bleach-like odor in the air. So at that point, obviously,  
24 the agent has been released into the air. They also noted  
25 other containers. And that when they approached him, he said

1 his name was Sergeant Murphy, not Specialist Taylor, as he  
2 was at the time.

3 When those investigators from Ft. Polk arrived to  
4 the site of the explosion, and Mr. Farbro began gathering  
5 their samples, that's where you had the injuries. And he's a  
6 hundred percent disabled. He's medically retired. You know,  
7 as he eloquently stated today, his -- that Sergeant Farbro's  
8 life ended that day for all intents and purposes. And there  
9 is a new man, but that new man is going to have  
10 significant -- significant health issues for the rest of his  
11 life. You also heard the testimony of Mr. Zalewski, so I'm  
12 not going to reiterate that.

13 But I do want to also draw your attention when the  
14 Pretrial Services Report mentioned about the searches of  
15 Taylor's off-post residence where they found other possible  
16 explosive-type devices, one that was disrupted with a  
17 percussion-activated nonelectronic dispose -- disruptor that  
18 did not have other explosive material, but was detonated.

19 And that the search warrant obtained at a storage  
20 unit had a notebook that contained numerous handwritten  
21 notes, and apparently, you know, instructions, on how to  
22 manufacture IEDs. As well as the mention of what was found  
23 on his cellular phone when it was searched, with search  
24 history terms indicative of the incident that we had, leading  
25 to what we've got today.

1           So I do want to just draw that to your attention  
2   kind of in rebuttal to what Mr. Blanchard said that, you  
3   know, he's -- it's a gross negligence here. But, you know, I  
4   think it might be a little bit more than that. I think the  
5   record shows that out. And, you know, it -- the record I  
6   believe in front of you shows at least preparation and  
7   planning.

8           And, you know, you've seen the facts. You've heard  
9   the testimony. And the government is absolutely confident  
10   that you're going to fashion an appropriate sentence here for  
11   this matter.

12           THE COURT: I do note in the record that the  
13   government is not requesting an upward departure; is that  
14   correct?

15           MR. MCCOY: That's correct, Your Honor.

16           THE COURT: All right. My guess is the government  
17   has not done that because, quite candidly, I considered doing  
18   that on my own sua sponte based on the -- I was inclined to  
19   do that based on the condition of the victims.

20           My guess is the government took into consideration  
21   that the defendant in this case, albeit doing a horrible  
22   thing with drastic consequences, served in Afghanistan for  
23   two tours of duty. And my guess is the government took that  
24   into consideration in not moving for an upward departure.

25           This whole matter is tragic. Three incredible

1 careers have been ruined. Obviously, the career -- the  
2 careers of what I call them victims in this case, although  
3 they were not characterized as victims in the presentence  
4 report -- Sergeant Zalewski, as well as Sergeant Farbro, both  
5 of them who wanted to be career military. Sergeant Zalewski,  
6 50 percent PTSD disabled; his skin issues as well; continues  
7 on medication. He was medically retired, so he was not able  
8 to fulfill what his dream was that was to further serve our  
9 country.

10 As it relates to Sergeant Farbro, we've heard him  
11 testify as well. And, of course, his life has been ruined.  
12 As he specifically said, Sergeant Farbro no longer exists.  
13 Sergeant Farbro has been very highly decorated, intended to  
14 make the Army his career.

15 And again, in here in the defendant's statement, I  
16 had no doubt that the defendant's statement was very sincere,  
17 but, unfortunately, we have to, you know, suffer the  
18 consequences of our acts. Certainly, Zalewski and Farbro  
19 suffered the consequences of the defendant's acts, as well.

20 So why don't you stand up here, sir, for  
21 sentencing.

22 MR. BLANCHARD: At the podium, Your Honor?

23 THE COURT: Yeah, please.

24 Anything further, Mr. Blanchard? And I've reviewed  
25 everything you've submitted. Of course, you've done a very

1 good job on behalf of your client. It's tragic. It's  
2 tragic.

3 MR. BLANCHARD: All I would say, Your Honor, is  
4 that the things that Mr. McCoy highlighted in the presentence  
5 investigation, there was nothing else that was illegal that  
6 he could have been charged with. Again, I think one thing  
7 the investigation showed, other than that Mr. Taylor had a  
8 good history before that, is that he had a very immature  
9 interest in things that blow up.

10 THE COURT: Which caused significant injury to two  
11 innocent military men.

12 MR. BLANCHARD: Yes. And no contest about that,  
13 Your Honor. But again, I think he's learned his lesson. I  
14 understand that there's more than one thing that Your Honor  
15 has to take into account in sentencing, but I think all of  
16 the facts, all of my interaction with Mr. Taylor indicates  
17 that one thing you don't have to worry about is him ever  
18 breaking the law again, Your Honor.

19 THE COURT: Well, I'm glad to hear that. But I  
20 also cannot ignore the fact that we have these two military  
21 men, no longer military men, disabled military men, who have  
22 to live with, again, Mr. Taylor's illegal acts for the rest  
23 of their life. And although Mr. Taylor will never do again  
24 what he did, these gentlemen will never be able to do again  
25 what they did in the past, as well, through no fault of their

1 own.

2 I hear you. And Mr. Taylor is going to benefit  
3 from everything that I've heard you say, everything that I've  
4 heard you argue. His past military record, which I have no  
5 reason to believe but for this was exemplary. I see, you  
6 know, two tours of duty in Afghanistan. I've taken all of  
7 that into consideration.

8 MR. BLANCHARD: Yes, Your Honor.

9 THE COURT: I've also taken into consideration the  
10 surgeries performed on Mr. Farbro, you know, his lung and  
11 throat had collapsed, nerve damage, burns, full throat  
12 reconstruction, scar tissue, chemical burns. Every time he  
13 gets sick, he has to go to the emergency room. Like Mr. -- I  
14 did not ask Mr. Farbro this, but Mr. Zalewski, he served our  
15 country in Afghanistan as well, Germany and Afghanistan, for  
16 three years. Nobody wins today. Nobody wins today.

17 The Court, having asked the defendant why judgment  
18 should not now be pronounced, and no cause to the contrary  
19 appearing to the Court, and the defendant and attorney having  
20 made statements on his behalf, the Court having review the  
21 presentence report, and pursuant to the Sentencing Reform Act  
22 of 1984 and after taking into consideration the testimony of  
23 Sergeant Zalewski and Farbro, it is the judgment of the Court  
24 that the defendant, Ryan Keith Taylor, is hereby imprisoned  
25 for a term of 121 months -- I'm sorry, 135 months, which is

1 the maximum under the Guidelines.

2 His guidelines, as the Court has found be  
3 applicable, again over the objection of defense counsel, was  
4 108 to 135 months. I feel the sentence at the top end of the  
5 Guidelines is appropriate in this case. I am going to make  
6 recommendations that Mr. Taylor receive mental health  
7 evaluation and treatment; that he receive drug and alcohol  
8 treatment.

9 Mr. Taylor, do you have any -- I'm sorry.

10 Mr. Blanchard, do you have any requests as to where  
11 he is to be housed?

12 MR. BLANCHARD: Well, he's from Michigan, Your  
13 Honor. And his mother, you know, couldn't even afford to  
14 come down here. That's really the only family he has. So as  
15 close to her home in Michigan as possible. It's a rural  
16 area. What's the name of the town again?

17 THE DEFENDANT: Ironwood.

18 MR. BLANCHARD: Ironwood, Michigan, Your Honor.

19 THE COURT: I'm going to recommend he be placed in  
20 a facility as close to Ironwood, Michigan, as possible.

21 What type of trade would you like to take up?  
22 Because I also make a recommendation for vocational training.  
23 In what field? Nothing related, obviously, to explosives.  
24 Nothing related to any type of incendiary or --

25 THE DEFENDANT: For automotive work or welding,



1 Your Honor.

2 THE COURT: Okay. I will make a recommendation  
3 that he be placed in a facility that can provide vocational  
4 training in automotive or --

5 THE DEFENDANT: Welding, Your Honor.

6 THE COURT: -- or welding.

7 Restitution is mandatory when there is an  
8 identifiable victim who suffers injury or monetary loss. The  
9 Mona Lisa Apartments has requested restitution in the amount  
10 of \$6919, based on what it claims to be lost revenues due to  
11 sharp decline in occupancy rate for two months, due to  
12 Taylor's activities at the Mona Lisa Apartments. The Court  
13 finds that this is not a valid loss caused by the defendant,  
14 and restitution is not ordered.

15 I did ask the sergeant how far away the Mona Lisa  
16 was, and he said about two miles away. I think that this  
17 restitution request is much too speculative by the Mona Lisa  
18 Apartments. And they certainly have every right to proceed  
19 in civil court if they choose to do so.

20 The Court finds that the defendant does not have  
21 the ability to pay the fine. Therefore, the Court will waive  
22 the fine in this case.

23 Upon release from imprisonment, the defendant shall  
24 be placed on supervised release for a term of five years.  
25 Within 72 hours of release from the custody of the Bureau of

1 Prisons, the defendant shall report in person to the  
2 probation office in the district to which the defendant is  
3 authorized to reside.

4 While on supervised release, the defendant shall  
5 cooperate in the collection of DNA, and he shall comply with  
6 the mandatory standard conditions of supervised release.

7 There is a \$100 special assessment which shall be  
8 due immediately.

9 The Court has considered the Guidelines. The  
10 guideline range does exceed 24 months. The Court finds no  
11 reason to depart from the guidelines.

12 Several officers were decontaminated and medically  
13 treated following exposure to the chemical reaction caused by  
14 the defendant. Sergeant Joshua Farbro is designated  
15 100 percent disabled by the United States Army and Veteran's  
16 Administration due to the injuries he sustained. He's also  
17 had surgeries as a result -- life-altering surgeries as a  
18 result of this incident.

19 Sergeant Brandon Zalewski has also been medically  
20 retired, and he continues to have ongoing effects from this  
21 incident.

22 Mr. Taylor is a 24-year old man who has served in  
23 the United States Army with no prior criminal history. And  
24 as I stated previously, the only reason why the Court is not  
25 sua sponte going above the guideline range by way of an

1 upward departure is because of the fact that Mr. Taylor did  
2 serve our country in Afghanistan.

3 The Court has accepted the Plea Agreement because  
4 it is satisfied the agreement accurately reflects the  
5 seriousness of the actual offense behavior and that accepting  
6 the Plea Agreement will not undermine the statutory purposes  
7 of sentencing.

8 The Court having pronounced sentence, does counsel  
9 for the defendant or the government have any objections to  
10 the sentence or to the manner in which the Court pronounced  
11 sentence other than the objection previously stated on the  
12 record?

13 Any further objections, Mr. Blanchard?

14 MR. BLANCHARD: No, Your Honor, only to the  
15 application of the guideline, as you further ruled on -- or  
16 earlier ruled on, sorry.

17 THE COURT: Thank you.

18 Mr. Joseph, any --

19 MR. JOSEPH: No objection from the government, Your  
20 Honor.

21 THE COURT: All right. Thank you, sir.

22 Mr. Taylor, sir, to the extent permitted by your  
23 plea agreement, you do have the right of appeal from the  
24 judgment and sentence within 14 days from this date. Failure  
25 to appeal within the 14-day period, shall be a waiver of your

1 right to appeal.

2 The government may file an appeal from this  
3 sentence, as well.

4 Mr. Taylor, sir, you're also advised that you are  
5 entitled to assistance of counsel in taking an appeal. If  
6 you're not able to afford a lawyer, one will be provided for  
7 you. If you're not able to afford the filing fee, the Clerk  
8 of Court will be directed to accept Notice of Appeal without  
9 such fee.

10 Any further motions by the government?

11 MR. MCCOY: Yes, Your Honor. At this time, in  
12 accordance with the Plea Agreement, the government would move  
13 to dismiss case 17-cr-00230.

14 THE COURT: So ordered. Anything further by the  
15 government?

16 MR. MCCOY: No, Your Honor.

17 THE COURT: Anything further by the defense?

18 MR. BLANCHARD: No, Your Honor.

19 THE COURT: Mr. Taylor, good luck to you.

20 THE DEFENDANT: Thank you, Your Honor.

21 THE COURT: All right. And, sergeants, good luck  
22 to both of you and God bless you. Thank you for your  
23 service.

24 (Adjourned at 11:10 a.m.)

25 \* \* \* \* \*

1 CERTIFICATE OF OFFICIAL REPORTER  
2  
3

4 I, Gayle Wear, Federal Official Court Reporter, in  
5 and for the United States District Court for the Western  
6 District of Louisiana, do hereby certify that pursuant to  
7 Section 753, Title 28 United States Code that the foregoing  
8 is a true and correct transcript of the stenographically  
9 reported proceedings held in the above-entitled matter and  
10 that the transcript page format is in conformance with the  
11 regulations of the Judicial Conference of the United States.  
12

13 Dated 25th day of October, 2018.  
14

15 /s/ Gayle Wear  
16 GAYLE WEAR, RPR, CRR  
17 FEDERAL OFFICIAL COURT REPORTER  
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